

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IAN HUNTER LUCAS,)	
Plaintiff,)	Civil Action No. 3:23-cv-01359
)	
v.)	Judge Richardson/Frensley
)	
VANDERBILT UNIVERSITY et al.)	
Defendants.)	

**PLAINTIFF’S OBJECTION PURSUANT TO FED. R. CIV. P. 46 TO PRESERVING
ISSUES FOR APPEAL CONCERNING THE COURT’S ORDER FINDING THE
NOTICE OF VOLUNTARY DISMISSAL EFFECTIVE AND CLOSING THE CASE**

Plaintiff, IAN HUNTER LUCAS, proceeding pro se, respectfully submits this Objection pursuant to Federal Rule of Civil Procedure 46 to preserve issues for appeal regarding the Court’s Order entered on December 12, 2024 (Doc. No. 27), in which the Court found that Plaintiff’s Notice of Voluntary Dismissal (Doc. No. 22) effectively terminated this action and declined to consider Plaintiff’s subsequent Motion to Strike (Doc. No. 24). In support of this Objection, Plaintiff states as follows:

1. **Procedural Background:** On December 7, 2024, Plaintiff filed a Notice of Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Plaintiff filed this Notice without full understanding of its immediate and self-executing consequences. Upon realizing the unintended impact of the Notice—which would foreclose pursuing his claims—Plaintiff promptly filed a Motion to Strike (Doc. No. 24), seeking to withdraw or nullify the Notice before the Court took any further action.
2. **Good-Faith Effort to Correct a Procedural Mistake:** The Motion to Strike was filed in good faith and before any prejudice could befall Defendant. At the time, no answer or motion for summary judgment had been filed. Plaintiff sought only to restore the status quo ante and preserve the merits of the underlying claims, which raise significant allegations

warranting judicial review.

3. **Liberal Construction for Pro Se Filings:** Plaintiff respectfully requests the Court to consider his pro se status, which warrants liberal construction of filings. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Plaintiff's Motion to Strike represented an immediate attempt to remedy a misunderstanding and maintain an avenue to adjudicate important claims.

4. **Objection to the Court's Determination:** By concluding that the Notice of Voluntary Dismissal was effective upon filing, and that all subsequent filings were of no effect, the Court closed the case without considering Plaintiff's Motion to Strike or providing any relief. Plaintiff objects to this outcome and believes the Court erred by not treating the Motion to Strike as a timely and good-faith request for relief, including the possibility of considering it under Fed. R. Civ. P. 60(b).

5. **Preservation of Issues for Appeal:** This Objection is made to preserve for appellate review the issue of whether Plaintiff's quick and sincere attempt to correct a procedural misstep warrants relief. By placing this objection on the record, Plaintiff ensures that a higher court can review whether the Court should have granted the Motion to Strike or otherwise allowed Plaintiff to reinstate his claims.

WHEREFORE, Plaintiff respectfully objects to the Court's Order and the closure of this case without considering the Motion to Strike on its merits or providing Plaintiff an opportunity to resume litigation of his claims. This Objection is filed to preserve all appealable issues for further review.

Dated: December 12, 2024

Respectfully submitted,

/s/ Ian Hunter Lucas
IAN HUNTER LUCAS
Plaintiff, Pro Se
PMB 61
Elizabethtown, NC 28337
(910) 872-3577
ian.h.lucas@protonmail.com

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2024, a copy of the foregoing Objection Pursuant to Fed. R. Civ. P. 46 to Preserve Issues for Appeal was served via the Court's electronic filing system upon counsel of record for Defendant.

/s/ Ian Hunter Lucas
IAN HUNTER LUCAS